

SENATE CONCURRENT RESOLUTION NO. 67

(By Senator Sypolt)

Requesting the Joint Committee on Government and Finance to conduct a study relating to the imposition or increase of filing fees in circuit courts.

Whereas, Fees for instituting civil actions in circuit courts are set forth in section eleven, article one, chapter fifty-nine of the West Virginia Code, 1931, as amended; and

Whereas, These fees have been set piecemeal over time, thus creating a disparity in the amounts charged; and

Whereas, The uses of such fees range from financing of projects on the county level to administrative expenses in the offices of the circuit clerks; and

Whereas, The imposition and collection of the fees is an important and essential function of the offices of the circuit clerks in that they provide needed funding on the county and state level for necessary projects; and

Whereas, The Legislature recognizes the difficulties faced by county governments in the acquisition of necessary and adequate funding to provide services to the citizens of West Virginia; and

Whereas, Reviewing the fees in total may provide a comprehensive and fair approach to setting the fees, collecting the

1 fees and better understanding their use; therefore, be it

2 *Resolved by the Legislature of West Virginia:*

3 That the Joint Committee on Government and Finance is hereby
4 requested to conduct a study relating to the imposition or increase
5 of filing fees in circuit court; and, be it

6 *Further Resolved,* That the committee is to consult with
7 circuit clerks, the West Virginia Bar Association, Legal Aid of
8 West Virginia and other appropriate state and county officials in
9 its attempt to structure a fee schedule for circuit clerks that
10 both provides adequate funding on the county level while also
11 setting fees in a rational and fair manner for litigants; and, be
12 it

13 *Further Resolved,* That the committee shall report to the
14 Legislature its findings, conclusions and recommendations, together
15 with drafts of any legislation necessary to effectuate its
16 recommendations no later than January 1, 2012; and, be it

17 *Further Resolved,* That the expenses necessary to conduct the
18 study and to prepare appropriate reports, recommendations and
19 proposed legislation be paid from legislative appropriations to the
20 Joint Committee on Government and Finance.